1941.

File No. O.L.R.C. Bom.City/41

Legal **DEPARTMENT**

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Subject:—

Opinions under the Bombay City Land Revenue Act, 1876.

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2. Certain plots of lands were leased by Government to the Maharaja of Bikaner, Mr.& Mrs. Billimoria and Messrs. R.D. Patel & Mistry . The plots leased to the Maharaja of Bikaner and Mr. & Mrs. Billimoria adjoin each other. Permission has been given by Government to the Maharaja of Bikaner for the erection of a compound wall 10 feet high between the two plots, as no condition to the contrary exists in the lease. Mr. Billimoria has objection to the building of the compound wall, and had requested Government to give him copies of the relavent provisions of the lease executed by Government in favour of the Maharaja of Bikaner orto allow him to inspect the lease. Mr. Billimoria was informed that he should if he so desired apply to the Collector of Bombay for a copy of the lease in question Mr. Billimoria accordingly applied to the Collector of Bombay who informed him that he will be allowed to take inspection of the lease in question on any working day between the hours of 11 a.m. to 3 p.m. on payment of usual fees of Rs. 10per day. Mr. Billimoria thereupon requested Government to instruct the Collector of Bombay to allow him inspection of the lease without charging any fees. Mr. Billimoria was informed that Government declined to interfere with the procedure prevailing in the office of the Collector of Bombay. Mr Billimoria now states that as it was Government who had refered him to the Collector of Bombay to take inspectionof the lease in the Collector's Office , if the Collector demands a fee for allowing such inspection in

accordance with the procedure prevailing in his office, which is applicable to inspection given to the public, he is not bound to pay the same and that he claims inspection as a matter of right, as the lessee from Government of the adjoining plot and that Government's letter virtually amounts to a refusal to give such inspection and that therfore he would act in the matter in such manner as he may be advised on the assumption that Government has refused the inspection. The P.W.D. says that their letter dated 23-6-41 did not mean that Government authorised him to have an inspection of the lease free of charge, and that there is no reason why he should be exempted from the rules relating to the inspection of leases revalent in the office of the Collector. The H.L.A. has been asked to advise in the matter.

3. R.D. Notification No. 10076/28, dated the 9th February 1933, issued under section 40 of the Bombay City Land Revenue Act, 1876, prescribes the rules and fees for the inspection search or obtaining copies of all maps and land registers and other records of the Bombay City Survey and <u>all records concerning the land</u> or the land revenue <u>kept in the office of the Collector of Bombay.</u> Under rule 5 of these rules a fee of Rs.10 for each day is required to be charged in every case for search and inspection of the record when permitted by the Collector and in no case less than Rs. 10 is to be charged for such search or inspection Mr. Billimoria has therefore been rightly called upon to pay a fee of Rs. 10 before he is allowed to have inspection of the lease executed by Government in favour of the Maharaja of Bikaner which has been kept in the Collector's office

Mr. Billimoria can certainly have inspection of the lease executed in favour of Maharaja of Bikaner. But there is no authority for his contention that he is entitled to have it without the payment of the prescribed fee and it does not appear that he has any such right.